

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

REFAEL KLEIN,

Plaintiff,

-against-

STACEY R. B. AICHER,

Defendant.

**NOTICE OF MOTION AND MOTION**

Civil Action No.: 19-CV-9172

**PLEASE TAKE NOTICE** that upon the Declaration of Thomas S. D’Antonio, dated October 21, 2020, as well as all pleadings and proceedings had herein, defendant Stacey R. B. Aicher will move this Court, at a date and time to be set by the Court, at the Thurgood Marshall United States Courthouse, Courtroom 1506, 40 Foley Square, New York, New York 10007, before the Honorable Ronnie Abrams, United States District Judge, for an Order, pursuant to Rule 70 of the Federal Rules of Civil Procedure; the inherent power of this Court to ensure compliance with its prior Orders; and all related and applicable legal precedent: (i) finding plaintiff Refael Klein in contempt for his failure to obey the Court’s prior Orders issued on July 29, September 29 and October 6, 2020 [Docket # 77, 84 and 88]; (ii) compelling plaintiff Klein to pay the sum of \$74,160 to the Clerk of this Court, or as otherwise directed by the Court, forthwith; (iii) granting Judgment in the principal amount of \$74,160 in favor of defendant Stacey R. B. Aicher and against plaintiff Klein, to be discharged only upon plaintiff Klein’s compliance with the terms of subparagraph (ii), above; (iv) further sanctioning plaintiff Klein in the amount of \$11,232.79, for additional fees and expensed incurred by defendant Aicher seeking to secure plaintiff Klein’s voluntary compliance with his prior sanctions obligations, and otherwise responding to various submissions made by or

on behalf of plaintiff Klein; (v) granting Judgment for those additional fees and expenses, in favor of defendant Stacey R. B. Aicher and against plaintiff Klein, as sought pursuant to the provisions of subparagraph (iv), above; (vi) awarding such other, further and additional sanctions as deemed appropriate by this Court, consistent with the clear warning issued to plaintiff Klein in the Court's September 29, 2020 Order [Docket # 84]; and (vii) granting such other and further relief as the Court deems just and proper under the circumstances.

**PLEASE TAKE FURTHER NOTICE** that defendant Aicher intends to file and serve reply papers, and any opposition therefore must be served in accordance with Local Rule of Civil Procedure 6.

Dated: October 21, 2020

WARD GREENBERG HELLER & REIDY LLP

s/ Thomas S. D'Antonio  
Thomas S. D'Antonio (TSD-2927)

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